

**Public Schools**  
**General**



## Education Council **School Age Attendance Requirements**

## **Fact Sheet**

January 2006

<b>1. Between what ages are Florida children required to attend school?</b>	Children between 6 and 16 years of age must regularly attend school in accordance with Florida law. A child must start school if he or she is or will be age 6 by February 1 of the school year. A child is not subject to compulsory school attendance upon attaining age 16 and filing a formal declaration, signed by the parent, of intent to terminate school enrollment with the district school board.
<b>2. What are the age requirements for kindergarten attendance?</b>	Children must have attained age 5 years on or before September 1 of the school year in order to be eligible for admission to public kindergartens during that school year under rules adopted by each district school board. There is no compulsory attendance requirement for kindergarten.
<b>3. How may school attendance be achieved?</b>	Regular attendance can be achieved through attendance in a public school; parochial, religious, or denominational school; private school; home education program; or private tutoring program. <b>(Refer to the School Choice and Truancy Fact Sheets.)</b>
<b>4. Are there any exceptions for the 6 – 16 years of age attendance requirement?</b>	Yes. There are several exceptions to the 6-16 years of age attendance requirement: <ul style="list-style-type: none"><li>• A parent may request and be granted permission for the absence of a student from school for religious instruction and religious holidays, according to the school board policy.</li><li>• Certificates of exemption are authorized in certain circumstances. These certificates, issued by the superintendent pursuant to district school board rule, are valid for one year.</li><li>• Children with disabilities who are at least three years old are eligible for admission to public special education programs and related services.</li><li>• If a child moves from another state and does not meet the age requirements for entrance into Florida schools, the student is allowed to enter school provided that the student meets the age requirements of the state from which he or she has moved.</li><li>• The Manatee County School Board was required by the 1999 Legislature to implement a pilot project to raise the compulsory age of attendance from 16 to 18. The school board was required to evaluate the impact of the pilot project on the school district's attendance and dropout rate, as well as associated costs <b>(See Question 5).</b></li></ul>

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<p><b>5. What has been learned from the Manatee County District School Board compulsory attendance pilot project?</b></p>	<p>On July 1, 1999, the Manatee County School Board implemented a pilot attendance project, as required by the Legislature (s.1003.61, F.S.). The most recent report evaluating the pilot project was prepared by the Manatee County District School Board in March 2005. The report documented the following:</p> <ul style="list-style-type: none"> <li>• School attendance rates: Longitudinal district high school attendance rates decreased from 91.8% in 1998-99 to 91.07% in 2004-05. The 2004-2005 statewide attendance rate was 93.92%.</li> <li>• Dropout rates: Dropout rates decreased from 7.4% in 1998-99 to 2.5% in 2004-05. The 2004-2005 statewide dropout rate was 2.8%.</li> <li>• Graduation rates: The district high school graduation rate increased from 56.2% in 1998-99 to 81.5% in 2004-05. The 2004-2005 statewide graduation rate was 71.9%.</li> <li>• Costs: Funds were expended to establish the following initiatives:             <ol style="list-style-type: none"> <li>1. Collaborative efforts between the school district, local law enforcement agencies, and the judiciary.</li> <li>2. Additional staff (attendance officer, support staff, school social worker, school resource officers).</li> <li>3. Truancy Intervention Programs Sweeps (TIPS).</li> <li>4. Dropout Prevention/Alternative Education Programs.</li> </ol> </li> </ul> <p>According to the Department of Education, the Manatee County School District budgeted over \$600,000 for continued implementation of the program in 2002-2003.</p> <p>Many of the costs were covered through Supplemental Academic Instruction and Safe School Categorical funds for alternative education programs. Other costs were paid from federal grants. The district indicated that the pilot program created the need for additional truancy and retrieval activities, alternative education programs, and comprehensive truancy programs involving the court system and local law enforcement.</p>
<p><b>6. What are the applicable statutes and rules?</b></p>	<p>Section 1002.20(2) -- Compulsory school attendance.            Section 1003.01(13), F.S. -- Regular school attendance.            Section 1003.21, F.S. -- School attendance.            Section 1003.23, F.S. -- Attendance records and reports.            Section 1003.53, F.S. -- Dropout prevention and academic intervention.            Section 1003.61, F.S. -- Manatee pilot project.</p> <p>Rule 6A-1.0985, F.A.C. -- Entry into kindergarten and first grade by out-of-state transfer students.</p> <p>Rule 6A-1.09514, F.A.C. -- Excused absences for religious</p>

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	instruction or holidays.
<b>7. Where can I get additional information?</b>	Florida Department of Education Bureau of Exceptional Education and Student Services (850) 245-0475  Florida House of Representatives Education Council (850) 488-7451



## Education Council Class Size

## Fact Sheet

January 2006

### 1. What are Florida's class size reduction requirements?

In the 2002 general election, Florida voters passed an amendment to section 1, article IX of the Florida Constitution which requires the state to make adequate provision to ensure that, by the beginning of the 2010 school year, there are sufficient number of core curricula classrooms to reduce class size as follows:

Grade	Maximum No. Students
Pre-K - Grade 3	18
Grade 4 - Grade 8	22
Grade 9 - Grade 12	25

The amendment expressly excludes extracurricular courses from the class size mandate.

In 2003, the Legislature enacted section 1003.03, F.S., to implement the constitutional amendment. The legislation requires school districts to reduce the average number of students per classroom in each of the three grade groupings by a minimum of two students per year beginning in fiscal year 2003-2004. The minimum two students per year reduction in each grade grouping must continue each year until the constitutional class size maximums are achieved.

The legislation also provides the Commissioner of Education with enforcement authority to ensure that the districts make appropriate efforts to comply with the class size reduction mandates. The legislation directs the Commissioner to measure district efforts to reduce class size in each of the three grade groupings as follows:

- Through fiscal year (FY) 2005-2006, districts must reduce the number of students per classroom by a minimum of two per year. Compliance is calculated at a **district** level which means that the **district** average must be lowered by no less than two students per classroom.
- In FYs 2006-2007 and 2007-2008, compliance is calculated at a **school** level, which means that the **school** average must be lowered by no less than two students per classroom.
- In FY 2008-2009, compliance is calculated at a

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	<p><b>classroom</b> level, which means that the <b>classroom</b> average must be lowered by no less than two students per classroom.</p>
<p><b>2. How much funding is provided for class size reduction?</b></p>	<p>In FY 2003-04, in order to implement the constitutional amendment to reduce class size, the Legislature appropriated \$468,198,634 for operating purposes to reduce districts class size averages by a minimum of two students per year in core curricula classes. The Legislature provided bonding authority for \$570 million to fund classroom construction and further assist in reducing class size. Finally, another \$30 million was appropriated to reward districts for past local efforts – such as ½ cent sales tax, local government infrastructure tax, and voted millage – to fund construction.</p> <p>In FY 2004-05, the Legislature appropriated \$978.8 million to fund operating costs for class size reduction. This figure includes \$468.2 million to maintain 2003-2004 requirements and \$510.6 million to meet 2004-2005 requirements. In addition, \$100 million was appropriated in a categorical to pay for facilities to reduce class size.</p> <p>In FY 2005-06, the Legislature appropriated \$1.5 billion to fund operating costs for class size reduction. This figure includes \$972.2 million to maintain 2003-04 and 2004-05 requirements and \$556.2 million to meet 2005-06 requirements. In addition, \$83.4 million was appropriated for facilities to reduce class size.</p>
<p><b>3. For purposes of the class size reduction mandate, what is meant by “core curricula courses” and “extracurricular courses”?</b></p>	<p>The 2002 constitutional amendment to reduce class size applies only to core curricula courses and expressly exempts extracurricular courses from the reduction requirements. However, the amendment failed to provide a definition for either “core curricula courses” or “extracurricular courses.”</p> <p>The Legislature provided definitions for the purpose of designating classes that are subject to the maximum constitutional class size requirements. Section 1003.01(14), F.S., defines “core curricula courses” to mean those courses defined by the DOE as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms. Section 1003.01(15), F.S., defines “extracurricular courses” to mean all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, and career education.</p>

<p><b>4. How much information has been collected on the progress of Florida's class size reduction efforts?</b></p>	<p>Beginning in November 2002, in anticipation of implementing the constitutional amendment to reduce class size, the DOE expanded its data collection efforts for information relating to both students and facilities. This data collection assists the DOE in fulfilling its obligations to determine each district's compliance with the class size requirements. In accordance with the law, the DOE calculates class size each year after the October student survey. The results are posted on the DOE website. The 2003-2005 district average class sizes are currently available at <a href="http://www.firn.edu/doe/arm/class-size.htm">http://www.firn.edu/doe/arm/class-size.htm</a>.</p>
<p><b>5. What has been the experience of other states in efforts to reduce class size?</b></p>	<p>States and districts are finding that class size reduction is both difficult and extraordinarily expensive for the benefits received.</p> <p>California's effort to reduce classes to no more than 20 students in the lower grades cost more than \$1.5 billion a year for the first four years and led to critical shortages of qualified teachers, particularly in schools serving poor and minority students. California's class size reduction initiative provides an example of a state initiative that failed to provide conclusive evidence linking achievement gains to class size reduction as well as an example of the serious implementation problems</p> <p>In Detroit, where the school district implemented a \$13.2 million program to reduce primary-grade class sizes in 2001, progress was hampered by shortages of both classrooms and teachers. Also, even in smaller scale class size reduction efforts in Tennessee and Wisconsin, there was no evidence that class size reduction resulted in an increase in student achievement other than a barely significant increase in student achievement in kindergarten and first grade in the Tennessee study.</p>
<p><b>6. What will be the impact of Florida's class size amendment within the state?</b></p>	<p>An extensive assessment of the impact of the implementation of the class size amendment in Florida was recently performed by the Council for Education Policy Research and Improvement (CEPRI). CEPRI's November 2005 study concluded that class-size reduction is not the best strategy for improving education in Florida. This conclusion was based on a review of several other state class size reduction efforts, other experiments and studies regarding class size reduction and Florida's unique characteristics.</p> <p>CEPRI concluded that "there is no evidence that reducing class size leads to increased academic outcomes for students in all grades." The CEPRI report did acknowledge that there may be some evidence of benefits to K through 3</p>

	<p>class size reduction in small classes limited to 15 students. However, the report indicated that the benefit was not likely to be evident in higher grades and that, much like the class size reduction project in California, the shortage of qualified teachers would likely eliminate any potential student achievement gains anyway.</p> <p>The CEPRI report pointed out several unique aspects of Florida’s class-size reduction effort that are making it even more difficult to implement. The amendment in Florida is significantly more rigid and inflexible than the class-size reduction initiatives in other states. Such inflexibility is virtually certain to result in inefficient use of funds in predictable circumstances where such funds could be more effectively directed toward student achievement.</p>
<p><b>7. What will be the impact on teacher quality in Florida?</b></p>	<p>Due to Florida’s consistent growth, the state was already attempting to deal with teacher shortages even without the amendment. With the new federal requirements relating to “highly qualified teachers” there is even greater competition nationwide to find quality teachers. The report also cited increasing costs for construction and the unavailability of affordable housing throughout much of the state as an additional factor in raising the costs of the class size effort and exacerbating the difficulty in recruiting more teachers.</p> <p>The report indicates that quality teaching is the one area that has been very clearly shown to have the greatest effect on student achievement, and the amendment will inevitably decrease the quality of public school teachers; especially in schools that serve low-income areas of the state.</p>
<p><b>8. What will be the impact of class size reduction on student and parental choice?</b></p>	<p>CEPRI’s report indicates that the rigid restrictions of the class size amendment cause a conflict with state and federal laws providing for public school choice as it is difficult to attempt to maximize use of classroom space available and still provide students and parents with a choice as to which school they want to attend. Furthermore, some districts are already reporting that they are being forced to eliminate academic electives including advanced placement, foreign language and fine arts classes and more districts are expected to have to do the same as the class size requirements become stricter.</p>
<p><b>9. What is the impact on other quality improvement initiatives?</b></p>	<p>CEPRI states that districts have reported budget adjustments that have been made to meet class size reduction requirements including reductions in technology purchases, paraprofessional positions, magnet programs, supplemental coaching in math, science and reading, and dropout prevention programs.</p>

<p><b>10. What are the applicable statutes?</b></p>	<p>Section 1003.01(14), F.S. -- Definition of “core curricula courses.” Section 1003.01(15), F.S. -- Definition of “extracurricular courses.” Section 1003.03, F.S. -- Maximum class size. Section 1011.685, F.S. -- Class size reduction; operating categorical fund. Section 1013.735, F.S. -- Classrooms for Kids Program. Section 1013.737, F.S. -- The Class Size Reduction Lottery Revenue Bond Program.</p> <p>2003-2004 General Appropriations Act, Specific Appropriation 1A; Specific Appropriation 3C; Specific Appropriation 14F; Specific Appropriation 59A.</p> <p>2004-2005 General Appropriations Act, Specific Appropriation 6; Specific Appropriation 28A; Specific Appropriation 82.</p> <p>2005-2006 General Appropriations Act, Specific Appropriation 5; Specific Appropriation 74.</p> <p>Sections 25 and 27 of ch. 2005-290, Laws of Florida.</p>
<p><b>11. Where can I get additional information?</b></p>	<p>Florida Department of Education School Business Services (850) 245-0406</p> <p><a href="http://www.firn.edu/doe/arm/class-size.htm">http://www.firn.edu/doe/arm/class-size.htm</a>.</p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



# Education Council **Reading – Foundation for Learning**

# **Fact Sheet**

January 2006

<p><b>1. Why is learning to read considered the foundation for learning?</b></p>	<p>A student must learn to read in order to be able to read to learn. Each student's progression from one grade to another is determined, in part, upon proficiency in reading and other subjects. It is the ultimate goal of the Legislature that every student read at or above grade level.</p> <p>Any student who still has a substantial reading deficiency at the end of third grade needs more time and additional intensive remedial instruction to acquire the fundamentals of the most basic skill of reading. Whether the cause is a learning disability, limited English proficiency, a disadvantaged background or other factor, a substantial reading deficiency must be addressed and corrected before the student can be expected to successfully move on to the more difficult work of the higher grades.</p> <p>In fourth grade and beyond, the instructional focus shifts from learning to read to reading to learn. Text becomes substantially and progressively denser, syntax more complicated, vocabulary more sophisticated, comprehension more demanding, and the need for fluency more vital. Students need a sound foundation in reading for this increasingly difficult work.</p>
<p><b>2. How does proficiency in reading impact student progression from one grade to another?</b></p>	<p>The school board, through the adoption of a student progression plan, must set specific levels of performance in reading and the other subjects for each grade level that includes the levels of performance on statewide assessments. A student who does not meet these levels must receive additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.</p> <p>A school must then develop, in consultation with the student's parent, and implement an Academic Improvement Plan (AIP) designed to assist the student in meeting expectations. If a student has a deficiency in reading, the student's academic improvement plan (AIP) must identify:</p> <ul style="list-style-type: none"><li>• The student's specific areas of weakness.</li><li>• The desired levels of performance in these areas.</li><li>• The instructional and support services to be provided.</li></ul> <p>Schools must also provide frequent monitoring of the student's progress. Districts must assist schools and teachers in implementing research-based reading activities that have been shown to be successful.</p>

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	<p>Upon subsequent evaluation, if the deficiency has not been corrected, the student may be retained. The student must continue remedial or supplemental instruction until the expectations are met.</p>
<p><b>3. What specific provisions apply to students who exhibit a substantial deficiency in reading?</b></p>	<p>Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.</p> <p>If the reading deficiency is not remedied by the end of third grade, as demonstrated by scoring level 2 or higher on the FCAT in reading for third grade, the student must be retained. The district school board may only exempt students from mandatory retention in third grade for "good cause." <b>(See Question 6)</b></p>
<p><b>4. What are the parental notification requirements regarding identified reading proficiency?</b></p>	<p><b>Required Notice to Parents of Grade K-3 Students With Identified Reading Deficiencies</b></p> <p>A school must provide written notice to the parent of any K-3 student who exhibits a substantial deficiency in reading. The notice must include:</p> <ul style="list-style-type: none"> <li>• A description of current services provided.</li> <li>• A description of proposed supplemental instructional services and supports.</li> <li>• A statement that the student will be retained if the deficiency is not remediated by the end of third grade unless a good cause exemption applies.</li> <li>• Strategies for parents to use in helping their child succeed in reading.</li> <li>• A statement that FCAT is not the sole determiner of promotion and additional evaluations, portfolio reviews, and assessments are available to assist parents and the school district in knowing when a child is reading at or above grade level and ready for promotion.</li> <li>• The district's specific criteria and policies for mid-year promotions.</li> </ul> <p>The notice must be written in terms understandable to the parent and describe the exact nature of the student's difficulty in learning and lack of achievement in reading. The parent must be consulted in the development of a detailed academic improvement plan (AIP) and informed</p>

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	<p>that the student will be given intensive reading instruction until the deficiency is corrected.</p> <p><b>Required Notice to Parents of Grade 3 Students Who Are Retained</b></p> <p>Each school district must provide written notice to the parent of each third grade students who is retained because his or her reading deficiency has not been remedied by the end of third grade. The notice must:</p> <ul style="list-style-type: none"><li>• State that the child has not met the proficiency level required for promotion</li><li>• Include the reasons that the child is not eligible for a good cause exemption.</li><li>• Include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.</li></ul> <p><b>Required Reporting to Parents of All Students, All Grades</b></p> <p>Each school board must annually report in writing to the parent of each student the progress of the student in achieving proficiency expectations in reading and certain other subjects, including results on the FCAT. The evaluation of each student’s progress must be based on the student’s classroom work, observations, tests, district and state assessments and other relevant information.</p>
<p><b>5. What is meant by “good cause exemption?”</b></p>	<p>Good cause exemptions from the third grade promotion requirements are limited to the following:</p> <ul style="list-style-type: none"><li>• Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.</li><li>• Students with disabilities whose individual education plan indicates that participation in the FCAT is not appropriate.</li><li>• Students who demonstrate acceptable performance on an approved alternative standardized reading assessment.</li><li>• Students who demonstrate, through a student portfolio, that the student is reading on grade level.</li><li>• Students with disabilities who participate in the FCAT; have an individual education plan or a Section 504 plan; have received the required intensive remediation in reading for more than two years but still demonstrate a deficiency in reading; and were previously retained in Kindergarten, 1<sup>st</sup> grade, 2<sup>nd</sup> grade, or 3<sup>rd</sup> grade.</li><li>• Students who have received the required intensive remediation in reading for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, 1<sup>st</sup> grade, 2<sup>nd</sup> grade</li></ul>

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	<p>or 3<sup>rd</sup> grade for a total of 2 years.</p> <p>Intensive reading instruction for students so promoted must include an altered instructional day based on an academic improvement plan that includes specialized diagnostic information and student specific research-based reading strategies for low-performing readers.</p>
<p><b>6. What services are provided to third grade students who are retained?</b></p>	<p>The school district is required to provide intensive instructional interventions to remediate a student's identified areas of reading deficiency. The interventions must include:</p> <ul style="list-style-type: none"> <li>• Effective instructional practices.</li> <li>• Participation in the district's summer reading camp.</li> <li>• Appropriate teaching methodologies.</li> </ul> <p>For retained students who scored level 1 on the FCAT and who did not meet the criteria for one of the good cause exemptions, the law requires:</p> <ul style="list-style-type: none"> <li>• Review of academic improvement plans (AIP) to address additional needed supports and services and completion of a student portfolio.</li> <li>• Provision of 90 minutes of daily uninterrupted scientifically-based reading instruction and other strategies.</li> <li>• Provision of either supplemental tutoring in scientifically research-based reading services including tutoring before and/or after school; a "Read at Home" plan outlined in a parental contract including participation in "Families Building Better Readers" parent workshops and regular parent-guided home instruction; a mentor or tutor with specialized reading training, or a "Reading Enhancement and Acceleration Development" (READ) Initiative. <b>(See Question 9)</b></li> <li>• Provision of a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals. <b>(See Question 7)</b></li> <li>• Establishment of an Intensive Acceleration Class at each school, where applicable. <b>(See Question 10)</b></li> <li>• Reports to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented by the school district.</li> <li>• The option of placement in a transitional instructional setting for a retained third grade student who has received intensive instructional services but is still not ready for grade promotion. <b>(See Question 12)</b></li> </ul>
<p><b>7. What constitutes a high performing teacher?</b></p>	<p>A high-performing teacher is identified through performance data on students the teacher has taught, including student work samples and/or test scores, and above satisfactory performance or the highest possible rating on the district</p>

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	<p>performance appraisal. Since first year teachers do not have student performance data or prior year appraisals they are not allowed to be a teacher of retained third grade students.</p>
<p><b>8. How does mid-year promotion work for students retained in third grade?</b></p>	<p>The 2004 Legislature required school districts to implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency. Mid-year promotion is defined in law as the promotion of a retained student at any time during the year of retention once the student has demonstrated the ability to read at grade level. To be promoted mid-year, the student must be able to demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to fourth grade. Methods of reevaluating retained students for the purpose of promotion include alternative assessments and portfolio reviews. The student must:</p> <ul style="list-style-type: none"> <li>• Demonstrate proficiency required to score at level 2 on the third grade FCAT</li> <li>• Demonstrate ability to read at grade level</li> <li>• Have made reasonable progress that is sufficient to master appropriate fourth grade level reading skills.</li> </ul> <p>Students promoted after November 1 must demonstrate proficiency above that required to score at level 2 on the third grade FCAT.</p>
<p><b>9. What is the READ Initiative?</b></p>	<p>The focus of the Reading Enhancement and Acceleration Development (READ) Initiative is to prevent the retention of third grade students and to offer intensive accelerated reading instruction to retained third grade students and each K-3 student who is assessed as exhibiting a reading deficiency. Each district must establish a (READ) Initiative, which must:</p> <ul style="list-style-type: none"> <li>• Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools.</li> <li>• Be provided during regular school hours in addition to the regular reading instruction.</li> <li>• Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research and assists the student in maintaining proficiency levels in all academic subjects.</li> </ul>
<p><b>10. What is an Intensive Acceleration Class?</b></p>	<p>An Intensive Acceleration Class focuses on increasing a child's reading level at least two grade levels in one school year. Such a class must be offered by the district for students who score level 1 on the reading portion of the FCAT two years in a row. The class is for a student who would be spending his or her third year in third grade. Through the Intensive Acceleration Class, a retained third grade student could be promoted from third grade to fifth</p>

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	<p>grade at the end of the school year. The intensive acceleration class must:</p> <ul style="list-style-type: none"> <li>• have a reduced teacher-student ratio (<b>See Question 11</b>);</li> <li>• provide uninterrupted reading instruction for the majority of student contact time and incorporate opportunities to master the grade four Sunshine State Standards in other core subject areas;</li> <li>• use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year;</li> <li>• provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech language therapist;</li> <li>• include weekly progress monitoring measures to ensure progress is being made;</li> <li>• report to the Department of Education the progress of students in the class at the end of the first semester.</li> </ul>
<p><b>11. When is a reduced teacher-student ratio required?</b></p>	<p>A reduced teacher-student ratio is required when a classroom is used for the majority of academic instruction that includes retained third grade students. Such a classroom must meet the state constitutional class size requirements of 18 students to 1 teacher. The classroom must also be smaller than the average class size of those comparable “traditional” third grade classrooms in the school. The class size requirement also applies to the intensive acceleration class.</p>
<p><b>12. What is a transitional instructional setting?</b></p>	<p>A transitional instructional setting is designed to produce learning gains sufficient to meet fourth grade performance standards while continuing to remediate the areas of reading deficiency. The school district must provide the option of being placed in a transitional instructional setting to a student who has been retained in third grade and has received intensive instructional services but is still not ready for grade promotion.</p>
<p><b>13. What is the difference between an intensive acceleration class and a transitional instructional setting?</b></p>	<p>The intensive acceleration class refers to what is being provided to the student. Such a class should have curriculum delivered at a faster pace than in a general educational classroom. The student in an intensive acceleration class has been exposed to third-grade content for several years.</p> <p>The transitional instructional setting refers to where instruction is provided to the student. This may be a setting with both third and fourth graders in the same classroom. Intensive acceleration can be provided within a transitional instructional setting. The intensive acceleration class and the transitional instructional setting are not mutually exclusive.</p>

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<p><b>14. What is being done in middle schools to focus on reading?</b></p>	<p>The “Middle Grades Reform Act” (s.1003.415, F.S.), requires that middle schools with fewer than 75% of their students reading at or above grade level, as measured by a student scoring at level 3 or above on the FCAT, must incorporate a rigorous reading requirement as part of their school improvement plan. The purpose of the requirement is to have students reading at or above grade level when they enter high school.</p> <p>The law also requires certified staff members at middle schools to develop and administer a personalized middle school success plan for each student entering sixth grade who scored below level 3 in reading on the FCAT. The success plan must be implemented until the student completes the eighth grade or scores at level 3 or above in reading on the FCAT.</p>
<p><b>15. What is the federal “Reading First” initiative?</b></p>	<p>The Reading First initiative is a central part of the federal No Child Left Behind Act (NCLB) of 2001. Reading First is an effort to bring early reading instruction across the country up-to-date with new knowledge gained in recent years from high-quality, scientifically-based research on the way children learn to read.</p> <p>The statewide assessment system used in Reading First is comprised of screening, diagnosis and progress monitoring. Each student should be screened at the beginning of the school year to determine if he or she is at risk of falling behind in reading.</p>
<p><b>16. What is the <i>Just Read, Florida!</i> initiative?</b></p>	<p>Just Read, Florida! is a comprehensive coordinated reading initiative implemented in 2001 through an executive order of Governor Jeb Bush aimed at helping every student become a successful, independent reader.</p>
<p><b>17. What are the results of Florida’s efforts to emphasize learning to read?</b></p>	<p>The 2005 National Assessment of Educational Progress collects and compiles data on student performance in a variety of subject areas at the national, regional, and state levels. The results reflect an upward trend in Florida’s fourth grade achievement as Florida students surpassed the national average in fourth grade reading. In 1998, Florida’s fourth graders outperformed 15% of other states in reading. In 2005, Florida’s fourth-graders outperformed 44% of other states in reading.</p> <p>Florida’s student achievement dipped one point in eighth grade reading, which is consistent with a nationwide downtrend in eighth grade student achievement.</p>
<p><b>18. What resources does the Legislature provide specifically for reading?</b></p>	<p>The 2005 Legislature appropriated the following for reading programs or instruction:</p> <ul style="list-style-type: none"> <li>• \$89,000,000 in the FEFP for district K-12 comprehensive reading plans.</li> <li>• \$10,000,000 to continue “Just Read, Florida!” to</li> </ul>

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	<p>achieve Florida’s goal for all students to be reading on grade level or higher by 2012.</p> <ul style="list-style-type: none"> <li>• \$670,341,490 for Supplemental Academic Instruction, part of which is dependent upon the district’s implementation of the statutorily required student progression plan and remedial instruction.</li> <li>• \$58,043,873 spending authority for federal “Reading First” funds for reading programs to continue “Just Read, Florida!” to achieve Florida’s reading goal for all students to be reading on grade level or higher by 2012.</li> </ul> <p>The Legislature also requires district school boards to allocate remedial and supplemental instruction resources first to students who are deficient in reading by the end of third grade, and then to other students who fail to meet the established specific levels of performance and require remediation or retention.</p>
<p><b>19. What are the applicable statutes and rules?</b></p>	<p>Section 1002.20(11), F.S. -- K-12 student and parent rights.  Section 1003.41, F. S. -- Sunshine State Standards.  Section 1003.415, F.S. --Middle Grades Reform Act.  Section 1003.42, F.S. -- Required instruction.  Section 1008.25, F.S. -- Public school student progression; remedial instruction; reporting requirement.</p> <p>Rule 6A-1.094221, Florida Administrative Code -- Alternative Standardized Reading Assessment</p> <p>Executive Order Number 01-260, September 7, 2001--“Just Read, Florida!”</p>
<p><b>20. Where can I get additional information?</b></p>	<p>Florida Department of Education  Just Read Florida! Office  <a href="http://www.justreadflorida.com">www.justreadflorida.com</a>  (850) 245-0503</p> <p>Florida House of Representatives  Education Council  (850) 488-7451</p>



**Education Council**  
**Instructional Materials**

**Fact Sheet**

January 2006

<p><b>1. What are instructional materials?</b></p>	<p>For purposes of state adoption, the term “instructional materials” is defined as “items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course.” These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even when bundled with software or electronic media.</p>																		
<p><b>2. What funding do districts receive for the purchase of instructional materials and how may the funds be spent?</b></p>	<p>Instructional materials are funded as a categorical item in the General Appropriations Act (GAA).</p> <p style="text-align: center;"><b>GAA--Instructional Materials Funding</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Fiscal Year</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>1998-1999</td> <td>\$183.9 million</td> </tr> <tr> <td>1999-2000</td> <td>\$193.6 million</td> </tr> <tr> <td>2000-2001</td> <td>\$192.0 million</td> </tr> <tr> <td>2001-2002</td> <td>\$213.5 million</td> </tr> <tr> <td>2002-2003</td> <td>\$227.9 million</td> </tr> <tr> <td>2003-2004</td> <td>\$227.9 million</td> </tr> <tr> <td>2004-2005</td> <td>\$234.4 million</td> </tr> <tr> <td>2005-2006</td> <td>\$249.9 million</td> </tr> </tbody> </table> <p>A school district must use at least 50% of instructional materials funds for the purchase of instructional materials on the state-adopted list. They may use up to 50% (the “flexible 50”) for the purchase of instructional materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.</p>	Fiscal Year	Amount	1998-1999	\$183.9 million	1999-2000	\$193.6 million	2000-2001	\$192.0 million	2001-2002	\$213.5 million	2002-2003	\$227.9 million	2003-2004	\$227.9 million	2004-2005	\$234.4 million	2005-2006	\$249.9 million
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<p><b>3. What is the “adoption cycle?”</b></p>	<p>Each year, Florida adopts instructional materials for specific classes. Selected subject areas are called for adoption each year on a rotating basis, usually for a period of 6 years. For example:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>YEAR</th> <th>SUBJECT</th> </tr> </thead> <tbody> <tr> <td>2004-2005</td> <td>Social Studies</td> </tr> <tr> <td>2005-2006</td> <td>Science</td> </tr> <tr> <td>2006-2007</td> <td>Art, Foreign Language, Health and Physical Education</td> </tr> <tr> <td>2007-2008</td> <td>Reading</td> </tr> <tr> <td>2008-2009</td> <td>Language Arts</td> </tr> <tr> <td>2009-2010</td> <td>Mathematics</td> </tr> </tbody> </table> <p>Prior to each adoption, the Department of Education (DOE) publishes</p>	YEAR	SUBJECT	2004-2005	Social Studies	2005-2006	Science	2006-2007	Art, Foreign Language, Health and Physical Education	2007-2008	Reading	2008-2009	Language Arts	2009-2010	Mathematics				
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## Instructional Materials

	<p>the instructional materials specifications for the subjects to be adopted. These specifications outline the courses for which materials are being sought, as well as the standards that those materials are expected to meet. As part of these standards, publishers are required to give an accurate account of who actually authored a book, and provide corrections for errors found in materials.</p> <p>In the year prior to the adoption, the DOE accepts nominations for the State Instructional Materials Committees (SIMC). Nominations for these committees are generally made by district school officials, professional and educational associations, and civic organizations. The Commissioner of Education appoints the committees.</p> <p>In early spring of the adoption year, the Commissioner formally announces the adoption in a memo sent to all publishing companies whose names and addresses appear on the publisher mailing list database in the Office of Instructional Materials. The announcement marks the official beginning of the adoption year.</p> <p>The Commissioner formally adopts materials recommended by the SIMC. He may accept the recommendations or amend them by removing materials, but he may not add material that the committee did not recommend. The adoption process is completed in December, and titles of the newly adopted materials are listed on the DOE web site. Newly adopted materials are available for purchase beginning April 1 of the year following the adoption.</p> <p>Within the first two years of the six-year cycle, each school district must purchase current instructional materials so that each K-12 student has a current book in core courses. Florida schools and school districts must purchase adopted materials through the publisher's Florida textbook depository. Publishers and manufacturers are required to maintain enough inventory during the first two years so that orders can be filled.</p>
<b>4. What are the district's duties in providing instructional materials, and its role in evaluation, selection, and disposition of instructional materials?</b>	<p>Each school board has the duty to provide adequate instructional materials for each child. The superintendent must keep adequate records and accounts and must notify the Department of Education (DOE) by April 1 each year of:</p> <ul style="list-style-type: none"><li>• the state-adopted instructional materials that will be requisitioned, and</li><li>• an instructional materials use plan for use in determining "adequate instructional materials" have been requisitioned.</li></ul> <p>The principal of each school is responsible for:</p> <ul style="list-style-type: none"><li>• assuring that instructional materials are used to provide instruction to students;</li><li>• effectively communicating to parents how instructional materials are used to implement the curricular objectives; and</li></ul>

## Instructional Materials

	<ul style="list-style-type: none"> <li>collecting payment for lost or damaged books.</li> </ul> <p>Instructional materials that are unserviceable, surplus or no longer on state contract may be given to other education programs, teachers, students, or any charitable organization, governmental agency, private school, or state. The district may sell the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations. Any money received goes to the district school fund for instructional materials. If the district cannot give or sell the materials, it may dispose of them according to school board policy.</p>																								
<p><b>5. May school districts purchase used instructional materials?</b></p>	<p>Yes. The DOE has an ongoing pilot program in Hernando, Pasco and Polk Counties that allows school districts in these counties to purchase quality used instructional materials that meet Sunshine State Standards.</p> <p>In 2004 the Legislature authorized the Council for Education Policy Research and Improvement (CEPRI) to conduct a study of the cost savings realized by the districts participating in the pilot program. The report found that participating counties realized a cost savings ranging from 29% to 70% and recommends that the pilot program be expanded to include 3-5 additional districts in all regions of the state and that the use of online/ electronic textbook formats be explored.</p> <p style="text-align: center;"><b>Full-Year Cost Savings from Instructional Materials Pilot</b></p> <table border="1" data-bbox="561 1083 1461 1299"> <thead> <tr> <th>District</th> <th>No. of Items</th> <th>FSBD Costs</th> <th>Used Vendor Costs</th> <th>Full Year Total Savings</th> <th>Used vs. FSBD Percentage Saved</th> </tr> </thead> <tbody> <tr> <td>Polk</td> <td>365</td> <td>\$7,706.26</td> <td>\$5,515.38</td> <td>\$2,190.88</td> <td>29%</td> </tr> <tr> <td>Pasco</td> <td>1940</td> <td>\$79,003.19</td> <td>\$52,577.97</td> <td>\$26,425.22</td> <td>33%</td> </tr> <tr> <td>Hernando</td> <td>1432</td> <td>\$37,170.87</td> <td>\$10,863.12</td> <td>\$26,307.75</td> <td>70%</td> </tr> </tbody> </table> <p>* Based on 2003-2004 FEFP Final Calculation</p>	District	No. of Items	FSBD Costs	Used Vendor Costs	Full Year Total Savings	Used vs. FSBD Percentage Saved	Polk	365	\$7,706.26	\$5,515.38	\$2,190.88	29%	Pasco	1940	\$79,003.19	\$52,577.97	\$26,425.22	33%	Hernando	1432	\$37,170.87	\$10,863.12	\$26,307.75	70%
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<p><b>6. Where can I find the approved list of instructional materials?</b></p>	<p>The DOE annually releases a <a href="#">Catalog of State-Adopted Instructional Materials</a>, available on the DOE website at <a href="http://www.firn.edu/doe/instmat">www.firn.edu/doe/instmat</a>.</p>																								
<p><b>7. What are the applicable statutes and rules?</b></p>	<p>Section 1001.42(7), F.S. -- Powers and duties of district school board; Courses of study.            Sections 1006.28 – 1006.43, F.S. -- Instructional materials.            Section 1008.35(2)(c) -- Instructional materials as part of best financial management practices review.            Chapter 2004-68, Laws of Florida -- Used Instructional Materials Pilot Program.</p> <p><u>Rules:</u>            Chapter 6A-7.0711 -- Substitute Editions of Instructional Materials</p>																								

## Instructional Materials

	Chapter 6A-7.074 -- Disposing of Instructional Materials
<b>8. Where can I get additional information?</b>	Florida Department of Education Bureau of School Improvement (850) 245-0423 <a href="http://www.bsi.fsu.edu/">www.bsi.fsu.edu/</a>  Florida House of Representatives Education Council (850) 488-7451



**Education Council**  
**American Sign Language**

**Fact Sheet**

January 2006

<p><b>1. What is American Sign Language?</b></p>	<p>Florida law provides that:</p> <ul style="list-style-type: none"><li>• American Sign Language (ASL) is a fully developed visual-gestural language with a distinct structure,</li><li>• ASL is recognized as the language of the American Deaf Community,</li><li>• ASL is the fourth most commonly used language in the United States and Canada, and</li><li>• Thirty-three state legislatures recognize ASL as a language that should be taught in schools.</li></ul>
<p><b>2. Is American Sign Language taught in Florida schools?</b></p>	<p>ASL is an approved course of study in Florida and is listed in the Florida Department of Education Course Code Directory. Florida law allows public or private schools to offer ASL courses for foreign-language credit. In the 2004-2005 school year, there were 10,379 students enrolled in ASL courses in Florida public schools.</p>
<p><b>3. What type of certification does Florida require for teachers of ASL classes?</b></p>	<p>As of January 2005, the licensing/certification standards for teachers of ASL require:</p> <ul style="list-style-type: none"><li>• A bachelor's or higher degree with certification in an academic class coverage, and</li><li>• 18 semester hours in ASL to include 3 semester hours in each area listed below:<ul style="list-style-type: none"><li>○ First and second language acquisition,</li><li>○ Linguistics of ASL,</li><li>○ Aspects of the deaf culture and community,</li><li>○ Methods of teaching ASL,</li><li>○ ASL IV, and</li><li>○ ASL literature, or</li></ul></li><li>• A bachelor's or higher degree with certification in an academic class coverage, and a valid Professional Level Certificate issued by the American Sign Language Teachers Association (ASLTA).</li></ul> <p>In addition, teachers of ASL are required to be certified through the Florida American Sign Language Teacher's Association (FASLTA) by January 1, 2006, and certified by the Department of Education (DOE) by January 1, 2008.</p>
<p><b>4. How does a teacher obtain professional level certification from ASLTA?</b></p>	<p>ASLTA has established certification standards and has a process for evaluating teachers. The national certification process has 3 levels, including the professional level that is required in the new SBE rule. The professional level is also considered by the DOE as the level that meets the definition of a Highly Qualified Teacher, as required by the No Child Left Behind Act.</p>

	<p>To obtain professional level certification through ASLTA a teacher must prepare a portfolio and successfully complete the ASLTA interview. A teacher, certified at the professional level, has demonstrated the highest level of knowledge and skills in teaching ASL. These include knowledge of curriculum development, evaluation, linguistics, and theoretical and contemporary issues in the field of ASL teaching. Professional certification is valid for eight years and may be renewed by meeting renewal requirements. For more information on ASLTA professional level certification go to:  <a href="http://www.aslta.org/certification/procedures.html#Prof">http://www.aslta.org/certification/procedures.html#Prof</a></p>
<p><b>5. What are the applicable statutes and rules?</b></p>	<p>Section 1007.261(3), F.S. -- University Admission by demonstrated proficiency.          Section 1007.261(9), F.S. -- Credit as Foreign Language – High School.          Section 1007.2615, F.S. -- American Sign Language – Legislative Findings.</p> <p>Rule 6A-4.02431, F.A.C. -- Specialization Requirements for the ASL endorsement          Rule 6C-6.002, F.A.C. -- Entering Freshmen          Rule 6C-6.004, F.A.C. -- Transfer Students</p>
<p><b>6. Where can I get additional information?</b></p>	<p>Florida Department of Education          Bureau of Student Assistance          (850) 245-0414</p> <p><a href="http://www.aslta.org">www.aslta.org</a>  <a href="http://www.faslta.org">www.faslta.org</a></p> <p>Florida House of Representatives          Education Council          (850) 488-7451</p>



**Education Council**  
**English for Speakers of Other Languages (ESOL)**

**Fact Sheet**

January 2006

<p><b>1. What is English for Speakers of Other Languages (ESOL); how and why was it established?</b></p>	<p>In 1990, to resolve a lawsuit against the state brought by a multiracial/ethnic coalition (League of United Latin American Citizens, et al. v. The State Board of Education), a consent decree (known as the “LULAC Consent Decree” was entered into by the State Board of Education, the Department of Education (DOE), and then Governor Bob Martinez.</p> <p>Pursuant to the consent decree and in state law, Florida’s English for Speakers of Other Languages (ESOL) program provides for school-based committees and district plans, student identification and assessment, and ensures equal access to comprehensible instruction and appropriate programs, among other features. Since the inception of the consent decree and statutory law, Florida has made significant strides in educating English Language Learners (ELLs) and thus far is ahead of many states in implementing the new requirements of the federal No Child Left Behind Act. In fact, in 2005, the highest learning gains in reading for students in the lowest 25 percent, were ELLs with a 68 percent increase in learning gains.</p>
<p><b>2. Is ESOL the same as bilingual education?</b></p>	<p>ESOL is not bilingual education. ESOL classes are only taught in English. Whereas bilingual education involves classes in which two languages are used to provide content matter instruction, students participating in ESOL programs are instructed in listening, speaking, reading, and writing using appropriate instructional strategies in English. The native language(s) of students is used in some schools to assist in making instruction comprehensible.</p> <p>In August 2000, two years after Californians voted to end bilingual education and move to ESOL, student test results indicated startling improvement in test scores of students who switched from bilingual education to ESOL. Florida’s experience also bears out the desirability of ESOL education. According to the DOE, longitudinal data in Florida indicate that ELLs who have exited the ESOL program continue to outperform monolingual English speakers in statewide assessments, especially on the FCAT Writing assessment.</p>
<p><b>3. How has the Consent Decree helped the school districts comply with federal regulations?</b></p>	<p>Under the Consent Decree, DOE’s legal staff and its Office of Multicultural Student Language Education annually work with the attorneys from the Federal Office of Civil Rights to be sure the state is viewed as being in compliance. This protects the school districts from immense time and</p>

## English for Speakers of Other Languages (ESOL)

	<p>expense associated with potential litigation, and supplies the uniformity necessary to safeguard the equal protection rights of this vulnerable population of students.</p> <p>Currently, the DOE is undergoing the process of developing statewide definitions for instructional models/approaches, and in 2006-07 will be able to conduct research on which programs produced the greatest increases in academic achievement for ELLs. If the new research on instructional models proves successful, Florida may find it worthwhile to revisit the 1990 Consent Decree.</p>
<p><b>4. Is there a difference between teacher training and certification requirements in Florida compared to those in bilingual states?</b></p>	<p>Yes. Mandated bilingual states like Texas and New York require teachers to have bilingual certification and ESOL certification, which means they have to be able to teach in the students' native language.</p> <p>In Florida, the certification and teacher training requirements are related to the ESOL Certification and ESOL inservice training. There are multiple ways to obtain the ESOL Coverage or ESOL Endorsement (certifications). Only 18 hours of ESOL training are required for P.E., art, and music. Sixty hours are required for science, social studies, history, and math. For language arts studies, the ESOL Endorsement (300 hours of inservice trainings), or ESOL Coverage (bachelor's degree or higher, and a passing score on the ESOL Subject Area test) is required</p> <p>The ESOL training includes:</p> <ul style="list-style-type: none"><li>• Methods of Teaching English to Speakers of Other Languages (ESOL),</li><li>• ESOL Curriculum and Materials Development,</li><li>• Cross-cultural Communication and Understanding,</li><li>• Testing and Evaluation of ESOL, and</li><li>• Applied Linguistics</li></ul> <p>State-approved teacher preparation programs must incorporate appropriate ESOL instruction so that participants graduate having completed the requirements for teaching ELLs in Florida public schools.</p> <p>Florida teachers who do their ESOL inservice training can bank their inservice training hours for recertification and may use them to re-certify in any other subject areas, such as Elementary Education, Exceptional Student Education, etc.</p> <p>As noted above, subject area certification is also available in K-12 ESOL. ESOL subject area certification may be obtained through an undergraduate or graduate degree in ESOL or by achieving the required score on the ESOL subject area test. Certification by virtue of the ESOL subject</p>

## English for Speakers of Other Languages (ESOL)

	<p>area test requires 120 inservice training hours in ESOL before or within three years of certification. <b>(See 2003 modification of Consent Decree).</b></p>
<p><b>5. What are some of the other features of the ESOL program?</b></p>	<p>The Consent Decree features parental involvement, student classification and reclassification, student tracking, program outcome measures, and district monitoring. ESOL instruction is reported in the FEFP under a weighted cost factor. The ESOL budget includes parent training as well as teacher training. All schools in the state get copies of all program materials, Consent Decree requirements, and program strategies. In addition, school districts receive federal funds under Title III of the No Child Left Behind Act.</p> <p>Students who enter a Florida public school from out of state or from a foreign country, during the 11<sup>th</sup> or 12<sup>th</sup> grade, not proficient in English receive immediate and intensive instruction in English language acquisition. To obtain a standard high school diploma, a transfer student must still earn a 2.0 GPA and pass the grade 10 FCAT or an alternate assessment.</p>
<p><b>6. Do ELL students participate in the FCAT?</b></p>	<p>Yes. Florida's education accountability system requires that <b>all</b> students participate in the statewide testing program, except as otherwise prescribed by the Commissioner. Pursuant to the 1999 A+ Education Plan, schools are now graded on the basis of academic performance and receive letter grades (A-F). All students' test scores are used in the calculation of a school's grade.</p> <p>The scores of ELLs are included in the learning gains calculation for determining school grades. Accommodations are provided to all ELLs in the administration of FCAT, including the use of English – Heritage Language dictionaries.</p>
<p><b>7. Where can I get additional information on the Consent Decree?</b></p>	<p>Consent Decree --  <a href="http://www.firn.edu/doe/omsle/pdf/stipulation.pdf">http://www.firn.edu/doe/omsle/pdf/stipulation.pdf</a></p> <p>Technical Assistance paper on 2003 modification of Consent Decree --  <a href="http://info.fldoe.org/docushare/dsweb/Get/document-2887/TAP.pdf">http://info.fldoe.org/docushare/dsweb/Get/document-2887/TAP.pdf</a></p>
<p><b>8. What are the applicable statutes and rules?</b></p>	<p>Section 1000.05, F.S. -- Educational Equity Act            Section 1003.433, F.S. -- Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.            Section 1003.56, F.S. -- English language instruction for LEP students.            Section 1004.04(3)(c), F.S. -- ESOL requirements for state approved teacher prep programs.</p>

## **English for Speakers of Other Languages (ESOL)**

	<p>Section 1008.22(3)(c)6., F.S. -- Test modification for LEP students. Section 1011.62(1)(c)4., F.S. -- Weighted funding for ESOL students. Section 1012.585(3)(d), F.S. -- ESOL in-service points.</p> <p>Rule 6A-4.0244, F.A.C. -- Teacher certification specialization in ESOL Rule 6A-4.0245, F.A.C. -- Teacher Certification Specialization in ESOL. Rule 6A-6.0900 through 6A-6.0909, F.A.C.-- Programs/ exemptions for LEP students Rule 6A-6.09091, F.A.C. -- Accommodation on Statewide Assessments for LEP students</p>
<b>9. Where can I get additional information?</b>	<p>Florida Department of Education Bureau of Student Assistance (850) 245-0698 <a href="mailto:bsa@fldoe.org">bsa@fldoe.org</a></p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



**Education Council**  
**Exceptional Student Education**  
**(ESE)**

**Fact**  
**Sheet**

January 2006

<p><b>1. What is Exceptional Student Education?</b></p>	<p>Exceptional Student Education (ESE) provides specially-designed instruction for students with disabilities as well as students identified as gifted. Student enrollment in ESE programs is one factor considered in determining what funding a school district receives.</p> <p>Students with disabilities between the ages of three and 21 must be provided with a free appropriate public education (FAPE) by the school district in which they live. FAPE may include specialized materials and support services as well as specially designed instruction. Some ESE students with disabilities are able to be served in the general education classroom, while some are removed to an ESE classroom for some or part of the school day. Some school districts also provide services for students younger than age three.</p> <p>School districts must provide a free appropriate public education to gifted students grades K-12. Gifted students also may receive specialized instruction in the general education classroom or in special gifted classes.</p>
<p><b>2. How are students determined to be eligible for ESE services?</b></p>	<p>Students may be referred for an evaluation for ESE services by their parents or by a teacher or other school staff. With few exceptions, prior to being evaluated as a student with a disability, school districts must ensure that a range of general education interventions have been attempted. Eligibility for an ESE program requires that the student have an exceptionality (gifted or a specific disability) and also that the student have a need for special education and related services; having the exceptionality alone does not constitute eligibility.</p> <p>Once a school-based team has determined that reasonable general education interventions are not sufficiently effective, a referral for evaluation is made. A student cannot be evaluated for ESE eligibility without prior written informed consent of the parent. A team of professionals and the student's parent (i.e., staffing committee) review the evaluation results to determine if the student meets the requirements for eligibility under one or more State Board of Education rules, and there is evidence of a need for special education and related services.</p> <p>If a student is found eligible, the team then develops a plan. For school-aged students with disabilities an individual</p>

## Exceptional Student Education (ESE)

	<p>educational plan (IEP) is developed. An individualized family support plan (IFSP) is prepared for children ages birth to two and may also be used through the age of five in lieu of an IEP. An educational plan (EP) is developed for gifted students. Parents participate in the development of the plan, which cannot be implemented until the parent provides written consent for placement in the ESE program.</p>
<p><b>3. What does the IEP, IFSP, or EP include, and how frequently must they be updated?</b></p>	<p>Each of these plans includes a description of the current performance of the student, a statement of goals and objectives or benchmarks for the student, and a statement of the specially designed and related services, including supplemental aides and services, to be provided. The plans are designed to meet the individual needs of the student.</p> <p>An IEP or IFSP team must meet at least annually to review and revise the plan for a student with a disability. EPs for gifted students may be written for a longer period (i.e., 3 or 4 years) to coincide with natural articulation points (e.g., middle to high school). Students must be reevaluated at least once every three years to determine if they continue to be a student with a disability in need of special education and related services. There is no requirement that gifted students be reevaluated.</p> <p>In addition, a student's parent or teacher may request an IEP team meeting or a reevaluation at any time.</p>
<p><b>4. What types of disabilities are included in exceptional student education?</b></p>	<p>The specific disabilities are: autism; deaf or hard-of-hearing; visually impaired, including blindness; dual-sensory impaired (deaf/blind); mentally handicapped; speech or language impaired; specific learning disability; emotionally handicapped, including severely emotionally disturbed; physically impaired, including orthopedically impaired, traumatic brain injury, or other health impaired; and developmentally delayed. Some students may have multiple impairments. Students in Florida also may be eligible through the program for students who are hospitalized or homebound.</p>
<p><b>5. Can ESE students participate in the Opportunity Scholarship Program?</b></p>	<p>Yes. An ESE student with special needs who is eligible to receive services from the school district may participate in the Opportunity Scholarship Program and remains eligible to receive services from the school district as provided by federal and state law.</p>
<p><b>6. What is the McKay Scholarship Program for Students with Disabilities?</b></p>	<p>The McKay Scholarship Program for Students with Disabilities provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. Students with disabilities in grades K-12, who have an IEP, and who attended a public school in Florida and were reported for funding through the Florida Education Finance Program (FEFP) during the prior school year are</p>

## Exceptional Student Education (ESE)

<p><b>7. Are ESE students required to take the FCAT in order to graduate with a high school diploma?</b></p>	<p>eligible to participate in the McKay Scholarship Program.</p> <p>ESE students are required to take the FCAT unless they have a significant cognitive disability to qualify for an exemption as determined by the student's IEP team pursuant to State Board of Education Rule 6A-1.0943. Such students are to be assessed through an alternate assessment procedure identified by the IEP team. A special exemption from testing requirements for graduation may also be granted in extraordinary circumstances by the Commissioner of Education pursuant to Rule 6A-1.09431.</p> <p>Passed in 2003, The Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act (HB 1739) greatly expanded access to postsecondary education and meaningful career opportunities for students with disabilities while maintaining current high standards and expectations. Each district school board is required to provide instruction to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation.</p> <p>Additionally, a new provision gives the individual educational plan (IEP) team the authority to waive passage of the Florida Comprehensive Assessment Test (FCAT) as a requirement for graduation with a standard diploma in the traditional 24-minimum-credit graduation program. This new waiver option became available for 2003 graduates.</p> <p>In order for the FCAT graduation requirement to be waived, the IEP team must meet and compile the form titled Waiver of Florida Comprehensive Assessment Test (FCAT) Graduation Requirement for Students with Disabilities during the student's senior year to determine whether or not the FCAT can accurately measure the student's abilities, taking into consideration allowable accommodations.</p> <p>If there is sufficient evidence that the student has mastered the applicable Sunshine State Standards and the IEP team determines that the FCAT is <b>not</b> an accurate measure of the student's ability, even with allowable accommodations, the FCAT requirement may be waived and the student may graduate with a standard diploma.</p> <p>To be considered for the waiver, a student must meet the following requirements:</p> <ul style="list-style-type: none"><li>• be identified as a student with a disability, as defined in section 1007.02(2), Florida Statutes</li><li>• have an individual educational plan (IEP)</li></ul>
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## Exceptional Student Education (ESE)

	<ul style="list-style-type: none"><li>• be a senior or a student with disabilities who remains enrolled seeking a standard diploma for whom the FCAT is the graduation test</li><li>• have demonstrated mastery of the grade 10 Sunshine State Standards</li><li>• have taken the Grade 10 FCAT with appropriate, allowable accommodations at least twice (for example, once in grade 10 and once in grade 11) or, if not continuously enrolled in public school in Florida, at least once during each year of enrollment in grades 10, 11, or 12</li><li>• have participated in the March administration of the FCAT during his or her senior year.</li><li>• have participated in intensive remediation for the FCAT Reading and/or FCAT Mathematics, if passing scores were not earned.</li><li>• be progressing toward meeting the state's 24-credit/course and 2.0 cumulative grade point average (GPA) requirements and any other district requirements for graduation with a standard diploma.</li></ul> <p>Should the IEP team determine that the FCAT <b>does</b> accurately measure the student's ability and the test should not be waived, then the student may:</p> <ul style="list-style-type: none"><li>• remain in school through until the age of 22 or until the student earns a standard diploma, whichever occurs first</li><li>• exit with a certificate of completion</li><li>• graduate with a special diploma.</li></ul> <p>Note: The FCAT waiver for students with disabilities is only available for the traditional 24-credit graduation program. It is not available for either of the three-year, 18-credit graduation programs.</p> <p>Students who do not meet the requirements for an exemption or waiver may be eligible for a special diploma pursuant to Rule 6A-1.0996.</p>
<p><b>8. Are there accommodations available for ESE students that do not qualify for exemptions?</b></p>	<p>If the student does not qualify for an exemption, s/he may qualify for an appropriate accommodation on the tests provided that the accommodation does not alter the underlying test or negatively affect the validity or reliability. The accommodations must be specifically identified on the student's IEP plan and must be those which have been used by the student in the regular classroom setting provided that they are within the limits set forth in Rule 6A-1.0943.</p>

## Exceptional Student Education (ESE)

The FCAT accommodations are listed below:

### 1. Presentation

- Visual Accommodations.
- Print versions of the test may be enlarged.
- Braille versions may be requested.
- Directions read by the test administrator from the FCAT administration manual may be provided to the student.
- Masks templates may be used to cover portions of the test.
- Color transparencies or overlays may be used with the test items.
- An answer sheet may be positioned and secured for optimal access.
- Spacing may be increased between test items.
- Fewer items may be placed on each page.
- Reading stands and similar paper positioning accommodations may be used.
- Reading passages can be developed with one complete sentence per line.
- Visual cues that serve as reminders may be placed in the test booklet or answer sheet.
- Extra examples can be given for practice.
- Pages may be tabbed.
- Highlighter tape can be used.
- Key words and phrases can be highlighted in the directions.
- Auditory Accommodations.
- Text directions may be read aloud or signed for all directions other than reading items.
- A reader may read directions and items other than reading items.
- Directions may be repeated, clarified, or summarized.
- Students may repeat or paraphrase directions.
- Text to speech technology may be used to read directions and test items other than reading items.
- Verbal encouragement may be given during the test.
- Noise buffers may be used.
- Directions may be audio taped except for reading items.

### 2. Responding

- Accommodations to Respond Input.
- Responses may be dictated to a proctor.
- Text to speech technology may be used to indicate answers.
- Switches may be used to respond.
- Computer/alternative keyboards may be used.
- Pointing devices may be used.

## Exceptional Student Education (ESE)

	<ul style="list-style-type: none"><li>• Communication devices may be used to generate oral or written responses.</li><li>• Answers may be entered directly into the test booklet.</li><li>• Responses may be signed to a qualified interpreter.</li><li>• Digital voice or tape recorders may be used to record answers.</li><li>• Special paper may be used for written answers. Math grids may be used to organize mathematical computations.</li><li>• Writing guides or templates may be used to produce legible answers.</li><li>• Answer sequence may be checked periodically.</li><li>• Accommodations to Response Preparation.</li><li>• An abacus may be used.</li></ul> <p><b>3. Scheduling</b></p> <ul style="list-style-type: none"><li>• A student may be allowed a flexible schedule for the FCAT administration.</li></ul> <p><b>4. Setting</b></p> <ul style="list-style-type: none"><li>• Special lighting may be used.</li><li>• Adapted furniture may be provided as needed.</li><li>• Special acoustics may be provided.</li><li>• Opportunity for movement may be increased or decreased.</li><li>• Stimuli may be reduced.</li><li>• The test may be administered in a familiar place for students who are homebound and hospitalized.</li></ul> <p><b>5. Assistive Devices</b></p> <ul style="list-style-type: none"><li>• Calculators may be used as authorized.</li><li>• Visual magnification and auditory amplification devices may be used.</li><li>• Technology such as alternative keyboards, pointing devices, and switches may be used to respond to the FCAT.</li><li>• Audiotaped directions and test items may be provided.</li></ul> <p>An expanded explanation of accommodations can be found at <a href="http://www.firn.edu/doe/commhom/fcatasd.htm">www.firn.edu/doe/commhom/fcatasd.htm</a></p>
<p><b>9. What are the applicable statutes and rules?</b></p>	<p>Education for All Handicapped Children Act of 1975, [Public Law 94-142]</p> <p>Education of the Handicapped Act Amendments of 1990 (PL 100-476) which changed the name of the EHA law to Individuals with Disabilities Education Act (IDEA).</p> <p>Individuals with Disabilities Education Act Amendments for</p>

## Exceptional Student Education (ESE)

	<p>1997, (20) U.S.C. Chapter 33, [Public Law 105-17]</p> <p>Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)</p> <p>Part 300 of Title 34, Code of Federal Regulations (34 CFR 300) (implementing regulations of IDEA)</p> <p>The Family Education Rights and Privacy Act (The Buckley Amendment)</p> <p>Vocational Rehabilitation Act, Section 504</p> <p>Section 1000.01(4), F.S. -- Requirement for public schools to provide exceptional student education instruction. Section 1001.42(4)(l), F.S. -- Requirement to provide appropriate program special instruction. Section 1002.20, F.S. -- K-12 student and parent rights. Section 1002.22, F.S. -- Student records and reports; rights of parents and students; notification; penalty. Section 1003.21(1)(e), F.S. -- School attendance. Section 1003.43(4) and (11), F.S. -- General requirements for high school graduation. Section 1003.57, F.S. -- Exceptional students instruction.</p> <p>Rule 6A-1.0943, FAC -- Statewide assessment for students with disabilities</p> <p>Rule 6-1.0996, FAC -- Graduation requirements for certain students with disabilities</p> <p>Rules 6A-6.03011through.6A-6.03019, FAC; 6A-6.03020 through 6A-6.03027, FAC; 6A-6.03030 through 6A-6.03031, FAC -- Special program rules for the various exceptionality categories</p> <p>Rule 6A-6.03028, FAC -- Development of individual educational plans for students with disabilities</p> <p>Rule 6A-6.030281, FAC -- Development of services plans for students with disabilities enrolled in private schools</p> <p>Rule 6A-6.03020, FAC -- Development of family support plans for children, birth to five</p> <p>Rule 6A-6.03032, FAC -- Procedural Safeguards for children, birth through age 2</p> <p>Rule 6A-6.0311, FAC. -- Eligible special programs for exceptional students</p> <p>Rule 6A-6.0312, FAC. -- Course modifications for exceptional students</p> <p>Rule 6A-6.0331, FAC. -- Identification and determination of eligibility of exceptional students for specially designed</p>
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## Exceptional Student Education (ESE)

	<p>instruction</p> <p>Rule 6A-6.03311, FAC. -- Procedural safeguards for students with disabilities</p> <p>Rule 6A—6.03312, FAC -- Discipline for students with disabilities</p> <p>Rule 6A-6.03313, FAC -- Procedural safeguards for exceptional students who are gifted</p> <p>Rule 6A-6.03314, FAC -- Procedural safeguards for exceptional students enrolled in private schools by their parents</p> <p>Rule 6A-6.0333, FAC. -- Surrogate parents</p> <p>Rule 6A-6.0334, FAC. -- Temporary assignment of transferring exceptional students</p> <p>Rule 6A-6.03411, FAC. -- Special program and procedures for exceptional students</p> <p>Rule 6A-6.0361, FAC. -- Contractual arrangements with nonpublic schools</p>
<b>10. Where can I get additional information?</b>	<p>Florida Department of Education Bureau of Exceptional Education and Student Services (850) 245-0475 <a href="http://www.firn.edu/doe/commhome/home0014.htm">http://www.firn.edu/doe/commhome/home0014.htm</a></p> <p>Office of Special Education and Rehabilitative Services 400 Maryland Avenue, S.W. Washington, D.C. 20202</p> <p>Office for Civil Rights 330 Independence Avenue, S.W. Washington, D.C. 20201</p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



**Education Council**  
**Individuals with Disabilities**  
**Education Improvement Act (IDEA**  
**2004)**

**Fact**  
**Sheet**

January 2006

<p><b>1. What is the IDEA?</b></p>	<p>The reauthorized federal Individuals with Disabilities Education Improvement Act (IDEA 2004) was signed into law on December 3, 2004. Since 1975, IDEA (formerly the Education for All Handicapped Children Act), has required states to provide all students with disabilities, ages three through twenty-one, with a free appropriate public education (FAPE) in the least restrictive environment (LRE). The term “free appropriate public education” means special education and related services that are provided by the public school system, at no cost to the parent, which meet the standards of the state, and are provided in conformity with an individual educational plan (IEP). Serving students in the “least restrictive environment” means that to the extent appropriate, students with disabilities are educated in the regular education setting with supports and services. The purpose of IDEA is to ensure that all children with disabilities have available the special education and related services designed to meet their unique needs and prepare them for employment and independent living. The IDEA 2004 assists states in meeting these requirements by providing for the funding of each state based on the number of identified disabled students residing within its borders.</p>
<p><b>2. How are students determined to be eligible for IDEA services?</b></p>	<p>Students may be referred for an evaluation for exceptional student education (ESE) services by their parents or by a teacher or other school staff. With few exceptions, prior to being evaluated as a student with a disability, school districts must ensure that a range of general education interventions have been attempted. Eligibility for an ESE program requires that the student have a disability and also that the student have a need for special education and related services; having the exceptionality alone does not constitute eligibility.</p> <p>Once a school-based team has determined that reasonable general education interventions are not sufficiently effective a referral for evaluation is made. A student cannot be evaluated for ESE eligibility without prior written informed consent of the parent. A team of professionals and the student’s parent (i.e., staffing committee) review the evaluation results to determine if the student meets the requirements for eligibility under one or more State Board of Education rules, and there is evidence of a need for special education and related services.</p> <p>If a student is found eligible, the team then develops an educational plan. An IEP is developed for school aged</p>

## Individuals with Disabilities Education Act (IDEA)

	<p>children, and an individualized family support plan (IFSP) is prepared for children ages birth to two. An IFSP may also be used through the age of five in lieu of an IEP. Parents participate in the development of the plan, which cannot be implemented until the parent provides written consent for placement in the ESE program.</p>
<p><b>3. How do schools know what services to provide?</b></p>	<p>Services are provided in accordance with an IEP that has been developed by a team of professionals and the parent. The IEP team must include: the parent; at least one ESE teacher of the child; at least one general education teacher of the child; and a representative of the school district (LEA representative). For some students there are additional requirements for the IEP team membership.</p> <p>The IEP team develops annual goals for the student, based on the individual's strengths, needs, and the effect of the disability. Once the goals are determined the team decides what type of special education services the student needs, how often, and where the services should be provided (e.g., in the general education class or in an ESE classroom). They also will determine if the student needs related services such as occupational therapy, specialized transportation, etc. In addition to the services identified in the IEP, the district school superintendent must fully inform the parent of a student with a physical or developmental disability of all available services that are appropriate for the student's disability (s. 1003.57, F.S.). <b>(Refer to the Exceptional Student Education Fact Sheet.)</b></p>
<p><b>4. Has the IDEA ever been changed?</b></p>	<p>Yes. The Education for All Handicapped Children Act of 1975, [Public Law 94-142] was the foundation for special education as we know it today. In 1990 that law was amended, and the name was changed to the Individuals with Disabilities Education Act (IDEA) (PL 100-476).</p> <p>In 1997 IDEA was reauthorized with significant changes that focused on placement in the least restrictive environment and the role of parents [Public Law 105-17]. Regulations for IDEA 1997 were promulgated in 1999.</p> <p>As noted above, IDEA was again amended as the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) in December 2004. Implementing regulations have not yet been disseminated; it is anticipated that they will be released early in 2006. Until that time, districts and states are obligated to enforce both the existing 1999 regulations and the new requirements of IDEA 2004.</p>
<p><b>5. What effect do the changes in the IDEA and its regulations have on</b></p>	<p>Florida's State Board of Education Rules related to students with disabilities were revised to reflect the requirements under IDEA 1997 and 1999 regulations. This required extensive review by all stakeholders, and was accomplished in the fall of</p>

## Individuals with Disabilities Education Act (IDEA)

<p><b>Florida?</b></p>	<p>2004. Currently DOE is reviewing ways in which Florida's rules are more or less stringent than IDEA 2004 to determine which will prevail, and is seeking input from stakeholders to assist in determining which rules may need to be revised.</p> <p>Some of the changes in IDEA 2004 may be considered "less stringent" than the previous law (e.g., the circumstances under which a school district may unilaterally move a student to an interim alternative educational setting (IAES) for disciplinary reasons). Because Florida's existing rules align with the IDEA as it was, districts must comply with the current rules, and cannot simply begin to implement the new federal law. In this example, because there is a State Board of Education rule that limits districts' authority to a greater extent than does IDEA 2004, the rule prevails.</p> <p>However, some of the changes in IDEA, such as those that address new issues or are more stringent than existing rules, must be implemented by districts (most requirements became effective July 1, 2005) regardless of whether they may conflict with State Board rule. Examples include the requirement that districts provide a summary of performance to students who graduate with a standard diploma or who exceed the age of IDEA eligibility (22), and the requirement that IEPs address both academic and functional performance.</p> <p>Areas that include changes are:</p> <ul style="list-style-type: none"> <li>• Highly qualified teachers</li> <li>• State and local funding</li> <li>• Children enrolled by their parents in private schools</li> <li>• Alignment with NCLB</li> <li>• Early intervening services</li> <li>• Disproportionality and overidentification</li> <li>• State- and district-wide assessments</li> <li>• Changes in initial evaluations and reevaluations</li> <li>• IEPs and IEP team meetings (e.g., content, team membership)</li> <li>• Procedural safeguards</li> <li>• Discipline</li> <li>• Part C Option: age 3 to kindergarten</li> </ul>
<p><b>6. What are the applicable statutes and rules?</b></p>	<p>Individuals with Disabilities Improvement Act Amendments of 2004, 20 U.S.C. sections 1400-1482.</p> <p>Regulations for the Individuals with Disabilities Act, 34 C.F.R. sections 300 &amp; 303.</p> <p>Section 1000.01(4), F.S. -- Requirement for public schools to provide exceptional student education instruction.  Section 1001.42(4)(l), F.S. -- Requirement to provide appropriate program of special instruction.</p>

## Individuals with Disabilities Education Act (IDEA)

	<p>Section 1002.20(8), F.S. -- K-12 students and parent rights; students with disabilities.</p> <p>Section 1002.22, F.S. -- Student records and reports; rights of parents and students; notification; penalty.</p> <p>Section 1003.21(1)(e), F.S. -- School attendance.</p> <p>Section 1003.43(4) and (11), F.S. -- High school graduation requirements for exceptional students.</p> <p>Section 1003.57, F.S. -- Exceptional students instruction.</p> <p>Rule 6A-1.0943, FAC -- Statewide assessment for students with disabilities</p> <p>Rule 6-1.0996, FAC -- Graduation requirements for certain students with disabilities</p> <p>Rules 6A-6.03011 through 6A-6.03018, FAC; 6A-6.03020 through 6A-6.03027, FAC; 6A-6.03030 through 6A-6.03031, FAC -- Special program rules for the various exceptionality categories</p> <p>Rule 6A-6.03028, FAC -- Development of individual educational plans for students with disabilities</p> <p>Rule 6A-6.030281, FAC -- Development of services plans for students with disabilities enrolled in private schools</p> <p>Rule 6A-6.03020, FAC -- Development of family support plans for children, birth to five</p> <p>Rule 6A-6.03032, FAC -- Procedural Safeguards for children, birth through age 2</p> <p>Rule 6A-6.0311, FAC. -- Eligible special programs for exceptional students</p> <p>Rule 6A-6.0312, FAC. -- Course modifications for exceptional students</p> <p>Rule 6A-6.0331, FAC. -- Identification and determination of eligibility of exceptional students for specially designed instruction</p> <p>Rule 6A-6.03311, FAC. -- Procedural safeguards for students with disabilities</p> <p>Rule 6A—6.03312, FAC -- Discipline for students with disabilities</p> <p>Rule 6A-6.03314, FAC -- Procedural safeguards for exceptional students enrolled in private schools by their parents</p> <p>Rule 6A-6.0333, FAC. -- Surrogate parents</p> <p>Rule 6A-6.0334, FAC. -- Temporary assignment of transferring exceptional students</p> <p>Rule 6A-6.03411, FAC. -- Special program and procedures for exceptional students</p> <p>Rule 6A-6.0361, FAC. -- Contractual arrangements with nonpublic schools</p>
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## Individuals with Disabilities Education Act (IDEA)

<b>7. Where can I get additional information?</b>	Florida Department of Education Bureau of Exceptional Education and Student Services (850) 245-0475 <a href="http://www.firn.edu/doe/commhome/home0014.htm">http://www.firn.edu/doe/commhome/home0014.htm</a>  Office of Special Education and Rehabilitative Services 400 Maryland Avenue, S.W. Washington, D.C. 20202  Florida House of Representatives Education Council (850) 488-7451
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## Education Council Student Advisement

## Fact Sheet

January 2006

<p><b>1. What advisement is a student given as he/she progresses through Florida's public school system?</b></p>	<p>Students in the Florida public school system are guided by school guidance counselors who are responsible for advising the students with regard to their abilities, aptitudes, educational and occupational opportunities, and personal and social adjustments. Guidance counselors also provide placement services and perform education evaluations.</p> <p>Students also have access to a statewide online student advising system established and maintained by the Department of Education. The system is intended to be the primary advising and tracking tool for students enrolled in public postsecondary educational institutions and be accessible to all Florida students. <b>(Refer to Question #3)</b></p>
<p><b>2. What are the educational and certification requirements of guidance counselors?</b></p>	<p>Guidance counselors are defined as instructional personnel. Included in this classification are social workers, career specialists, and school psychologists. Florida State Certification requires a Master's degree with specialization in counseling for certification.</p>
<p><b>3. What online guidance advisement systems are being employed statewide?</b></p>	<p>In 1998, the Florida Legislature mandated the creation of FACTS.org, Florida's official, statewide "computer-assisted student advising system". The FACTS.org system is maintained by the Florida Department of Education and provides tools for online advisement and education planning in a user-friendly format for K-20 students. It contains resources for career planning, college/vocational-technical planning, admissions, financial aid, and college student planning.</p> <p>The site includes the High School Academic Evaluations which provide personalized evaluations of Florida public students' high school transcripts including progress toward high school diplomas, progress toward meeting State University System admissions requirements, and status for meeting Bright Futures Scholarship initial eligibility requirements. The site also offers profiles of over 200 Florida postsecondary institutions, a college and degree search, the state's common college admissions application (one application to multiple colleges), links to online college financial aid applications and direct access to two electronic career guidance programs (e-Choices and SIGI PLUS). An individualized high school planner is also being designed for release during the 2005-2006 academic year. Administration occurs through the Florida Center for Advising and Academic Support (FCAAS).</p>

	<p>For elementary and middle grades, other systems are used and often funded through local school districts. In many middle schools a program entitled, "Career Futures" is used. Elementary students have access to a program called "PAWS".</p>
<p><b>4. What accountability measures are currently in place to assure proper advisement and outcome?</b></p>	<p>The 2004 Legislature created legislation (HB 769) requiring that each school district annually submit a district guidance report to the Commissioner of Education by June 30 of each year. This plan is intended to clearly define guidance standards, monitor adherence, and ensure sufficient progress throughout the state of Florida. The guidance report must include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Examination of student access to guidance counselors</li> <li>• Degree to which a district has adopted or implemented a guidance model program</li> <li>• Evaluation of information and training available to guidance counselors and career specialists to advise students on areas of critical need labor market trends, and technical training requirements</li> <li>• Progress toward incorporation of best practices as identified by the Department of Education</li> <li>• Consideration of alternative guidance systems (See Question # 5)</li> <li>• Actions taken to provide information to students for school-to-work transition</li> <li>• A guidance plan for the district.</li> </ul> <p>In 2003, the Legislature enacted The Family and School Partnership for Student Achievement Act (SB 1522) to increase parental participation in a child's progression through the school system. School districts are required to develop and disseminate a parent guide to successful student achievement and a checklist of parental actions to strengthen parental involvement. The parent guide is based on guidelines and a checklist developed by the Department of Education. The department is also charged with establishing a parent-response center to provide assistance to parents in answering questions and resolving issues related to the child's education.</p>
<p><b>5. What recommendations are being made regarding student advising?</b></p>	<p>Two 2004 reports, one by The Council for Education Policy, Research and Improvement (CEPRI) and one by a Career Education Task Force recommended that students be given more guidance to enable them to start on a progressive path toward a career at an earlier age. Various methods of increasing the guidance available to students include the use of alternative guidance systems such as a teacher-advisor model, mentoring, partnerships with the business community, web-based delivery, and parental involvement.</p>

	<p>The teacher-advisor model is promoted by the Southern Regional Education Board (SREB) as part of the initiative, “High Schools that Work”. According to SREB, use of the teacher-advisor model is a solution to providing more individualized student attention for an often overburdened guidance system. With this model, guidance counselors take on a managerial role and teachers are assigned to students to act as advisory mentors throughout their high school careers.</p> <p>Other recommendations for the advisement system are to: improve online use; make the systems more user-friendly; encourage more parental involvement; link students with the needs of the workforce and the public/private sectors of the business community to find careers in areas of growing need; and make greater use of youth apprenticeship opportunities.</p>
<p><b>6. What are the applicable statues and rules?</b></p>	<p>Section 1002.23, F.S. -- Family and School Partnership for Student Achievement Act.          Section 1006.02, F.S. -- Provision of information to students and parents regarding school-to-work transition.          Section 1006.025, F.S. -- Guidance Services          Section 1007.28, F.S. -- Computer-assisted student advising system          Section 1012.01, (2) F.S. -- Student Personnel Services          Rule 6A-4.081 -- Specialization Requirements for Certification in Guidance and Counseling (Grades Pk-12), Florida Administrative Code.</p>
<p><b>7. Where can I get additional information?</b></p>	<p>Florida Department of Education          Florida Center for Advising &amp; Academic Support (FCAAS) - FACTS.org          (850) 245-0518  <a href="http://www.facts.org">www.facts.org</a></p> <p>The Student Support Services Project          Bureau of Exceptional Education and Student Services  <a href="http://sss.usf.edu">http://sss.usf.edu</a></p> <p>Workforce Education          (850) 245-0452          Web-based district guidance report:  <a href="http://data.fldoe.org/guidanceReport/">http://data.fldoe.org/guidanceReport/</a></p> <p>Florida School Counseling and Guidance Framework  <a href="http://www.firn.edu/doe/workforce/pdf/guidance.pdf">http://www.firn.edu/doe/workforce/pdf/guidance.pdf</a></p> <p>2005 Florida Counseling for Future Education Handbook  <a href="http://www.facts.org/cgi-bin/eaglec">http://www.facts.org/cgi-bin/eaglec</a>          1-800-342-9271 (also included):          Lesson Plans for Counseling and Guidance Curriculum  <a href="http://www.firn.edu/doe/programs/cd_lesson.htm">http://www.firn.edu/doe/programs/cd_lesson.htm</a></p>

Florida Choices Programs  
Division of Community Colleges and Workforce Education  
(850) 245-0407  
<http://www.florida.access.bridges.com>

Certification Requirements  
<http://www.fldoe.org/edcert/>

Select Rule Authority, 6A-4, Florida Administrative Code  
<http://www.firn.edu/doe/rules/6a-4.htm>

Southern Regional Education Board  
“Tips for Planning and Implementing a Teacher Adviser  
System”  
592 Tenth Street, NW  
Atlanta, GA 30318  
(404) 875-9211  
[www.sreb.org](http://www.sreb.org)

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Education Council  
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## Education Council Student Transportation

## Fact Sheet

January 2006

<p><b>1. For which students do school districts provide transportation?</b></p>	<p>Each school district is required to provide transportation for students who meet one of the following criteria established by s. 1006.21, F.S., and Rule 6A-3.001 F.A.C.:</p> <ul style="list-style-type: none"><li>• the student lives two miles or more from school;</li><li>• the student has a disability, regardless of distance from school;</li><li>• the student is pregnant or a student parent, including the child of a student parent, and is enrolled in a teenage parent program;</li><li>• the student is enrolled in a state pre-kindergarten disability program, regardless of distance from school;</li><li>• the student is transported from one school to another to participate in an instructional program or service for vocational students, dual enrollment students, or students with disabilities; or</li><li>• the student is in elementary school not to exceed grade six and the student is subjected to hazardous walking conditions according to s. 1006.23, F.S.</li></ul> <p>Florida's school districts operate approximately 15,200 school buses on a typical school day, transporting over 1,054,000 students to and from school and between schools.</p>
<p><b>2. What funding do school districts receive for transportation?</b></p>	<p>The 2005 Legislature appropriated \$451 million to school districts in order to fund transportation services. Each school district receives a portion of these funds for the transportation of eligible students. Each school district's allocation is calculated based on the membership of students to be transported according to s. 1011.68, F.S., multiplied by the transportation allocation per student.</p>
<p><b>3. Can school districts transport students other than those required by law?</b></p>	<p>Yes. School districts may transport students other than those required by law if they so choose. However, school districts will only receive state funding for those students they are required to transport.</p>
<p><b>4. Are school buses required to have safety belts?</b></p>	<p>School buses purchased after December 31, 2000, used to transport public school students in grades pre-K through 12 must be equipped with safety belts or with any other restraint system approved by the Federal Government. These safety belts must also meet the standards required under s. 316.614, F.S. School buses purchased before December 31, 2000, are not required to have safety belts. Elementary schools receive first priority in the allocation of school buses equipped with safety belts. Safety belt requirements only apply to public school buses.</p>

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<p><b>5. What is a hazardous walking condition?</b></p>	<p>Section 1006.23, F.S., identifies a hazardous walking condition as walkways parallel to any road that students must walk along in order to go to and from school that:</p> <ul style="list-style-type: none"><li>• is not an area adjacent to the road at least four feet wide with a surface for walking that does not require walking on the road.</li><li>• on an uncurbed road with a posted speed limit of 55 miles per hour and is not at least three feet from the edge of the road, at least four feet wide, and with a walking surface that does not require walking on the road.</li></ul> <p>The following exceptions apply regarding hazardous walking conditions on parallel walkways:</p> <ul style="list-style-type: none"><li>• the road is located in a residential area that has little or no transient traffic;</li><li>• the road has a volume of traffic that is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or</li><li>• the road is located in a residential area and has a posted speed limit of 30 miles per hour or less.</li></ul> <p>Section 1006.23, F.S., also identifies a hazardous walking condition as walkways perpendicular to any road that students must cross in order to walk to and from school:</p> <ul style="list-style-type: none"><li>• if the traffic volume exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled which means where there is no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal present.</li><li>• if the traffic volume on such road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school.</li></ul>
<p><b>6. How is a hazardous walking condition identified and corrected?</b></p>	<p>District school boards and local governments are supposed to work together to identify and correct hazardous walking conditions. When a request is made to review a condition perceived to be hazardous, it is inspected by a representative of the school district and a representative of the state or local governmental entity that has jurisdiction over the location. The two jointly make a final determination regarding whether the hazardous condition meets the state criteria established in law. The district school superintendent reports this determination to the Department of Education. The state or local governmental entity having jurisdiction over the location is responsible for correcting the hazardous condition within a reasonable period of time. The</p>

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	<p>local school district is responsible for transporting students until the hazardous condition is corrected.</p>
<p><b>7. Are school districts authorized to transport anyone other than students?</b></p>	<p>Yes. School districts may use school buses for public purposes. Each school district may enter into agreements with the governing body of a county, municipality, state agency, nonprofit corporation, or nonprofit civic association to provide transportation for the following:</p> <ul style="list-style-type: none"> <li>• The transportation disadvantaged, as defined in s. 427.011, F.S.</li> <li>• The elderly.</li> <li>• WAGES program participants, as defined in s. 414.0252, F.S.</li> <li>• School-age children attending activities sponsored by the Boy Scouts, Girl Scouts, 4-H Club, the Y.M.C.A., and other similar nonprofit associations.</li> </ul> <p>Any agreement for the transportation of such individuals must provide for full reimbursement to the school district and full indemnification from liability.</p>
<p><b>8. What are the applicable statutes and rules?</b></p>	<p>Section 316.6145, F.S. -- Safety Belt Usage.            Section 414.0252, F.S. -- Wages Program.            Section 427.011, F.S. -- Transportation for Disadvantaged.            Section 1006.21 – 1006.27, F.S. – Transportation.            Section 1006.23, F.S. -- Hazardous Walking Conditions.            Section 1011.68, F.S. -- Funds for Student Transportation.            Section 1012.45, F.S. -- School Bus Driver Requirements.</p> <p>Chapter 6A-3 -- Transportation, FAC.</p>
<p><b>9. Where can I get additional information?</b></p>	<p>Florida Department of Education            School Transportation Management            (850) 245-9795  <a href="http://www.fldoe.org">www.fldoe.org</a></p> <p>Florida House of Representatives            Education Council            (850) 488-7451</p>



## Education Council **Religion in Public Schools**

## **Fact Sheet**

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### **1. What religious freedoms do public school students have?**

Public school students have certain constitutionally protected religious rights. According to the "Religious Expression in Public Schools" guidelines promulgated by the United States Secretary of Education, these basic freedoms include the following:

- Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive.
- Students may express their religious beliefs in the form of reports, homework, and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct such submissions simply because they include a religious symbol or address religious themes.
- Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place and manner, or other constitutionally acceptable restrictions imposed on the distribution of all non-school literature.
- Student participation in before or after-school events, such as "see you at the pole" is permissible.
- Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics.
- Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings, if a school receives federal funds and permits any student non-curricular club to meet during non-instructional time.
- School officials may not mandate or organize prayer at student assemblies, extracurricular events, or select speakers for such events in a manner that favors or disfavors religious speech such as prayer. Where students or other private speakers are selected on the basis of genuinely neutral, even-handed criteria and retain primary control over the content of their expression, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content. To avoid any mistaken perception that a school endorses student or other private speech that is not in fact attributable to the school, school officials may take appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the schools.

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<p><b>2. Is prayer allowed by statute in Florida's public schools?</b></p>	<p>Florida statutes allow for a moment of silence. Section 1003.45(2), F.S., provides, "The school board may provide that a brief period, not to exceed two minutes, for the purpose of silent prayer or meditation be set aside at the start of each school day or each school week in the public schools in the district."</p>
<p><b>3. What prayer legislation has been enacted in Florida?</b></p>	<p>The 2002 Legislature adopted legislation requiring the Department of Education to distribute each year to all district school board members, superintendents, school principals, and teachers the entire guidelines on "Religious Expression in Public Schools" published by the U.S. DOE.</p>
<p><b>4. What is the recent history of court decisions regarding school prayer?</b></p>	<p>In June 2000, the U.S. Supreme Court decided the case of <i>Doe v. Santa Fe Independent School District</i> and held that student-led, student-initiated prayer at <i>high school football games</i> is unconstitutional. In May 2001, the U.S. Eleventh Circuit Court of Appeals held in <i>Adler v. Duval County School Board</i> that a school board policy allowing student-led, student-initiated messages, including prayers, at high school graduation ceremonies was constitutionally permissible. The Eleventh Circuit distinguished Santa Fe based on the fact that the school board policy provided no control over the content of the message. In December 2001, the U.S. Supreme Court let stand this decision by the Eleventh Circuit.</p> <p>In June 2001, the U.S. Supreme Court also let stand the lower court ruling in <i>Chandler v. Siegelman</i>, which allowed students to participate in group prayers at school functions such as graduations. The lower court's ruling stated that courts could not prohibit genuinely student initiated religious speech at school events, nor could they impose restrictions greater than those placed on students' nonreligious speech.</p>
<p><b>5. What is the purpose of the guidance provided by the United States Department of Education?</b></p>	<p>The purpose of the guidance is to provide state education agencies, districts, and the public with information on the current state of the law concerning constitutionally protected prayer in the public schools, and thus to clarify the extent to which prayer in public schools is legally protected.</p> <p>The guidance is updated biennially and provided to SEAs, LEAs, and the public.</p>
<p><b>6. What are the federal requirements regarding school prayer?</b></p>	<p>Section 9524 of the Elementary and Secondary Act ("ESEA") of 1965, as amended by the No Child Left Behind Act of 2001, requires the secretary to issue guidance on constitutionally protected prayer in public elementary and secondary schools. In addition, section 9524 requires that, as a condition of receiving federal funds, each school district must certify in writing to the Florida Department of Education that it has no policy that prevents, or otherwise</p>

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	denies participation in, constitutionally protected prayer in public schools as set forth in this guidance.
<b>7. What are the applicable statutes and rules?</b>	Section 1002.205, F.S. -- Guidelines on Religious Expression Section 1003.45(2), F.S. -- Brief Meditation Period PL 107-110, <i>The No Child Left Behind Act of 2001</i>
<b>8. Where can I get additional information?</b>	Florida Department of Education Bureau of School Improvement (850) 245-0423  Florida House of Representatives Education Council (850) 488-7451